



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ELIZABETH PAYNE
Plaintiff

vs.

FRIENDSHIP WEST BAPTIST
CHURCH, INC
Defendant

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CIVIL ACTION NO. 3: _____

3-09CV0595-B

PLAINTIFF'S ORIGINAL COMPLAINT AND JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Elizabeth Payne ("Payne"), hereinafter called Plaintiff, complaining of and about Friendship West Baptist Church, Inc., hereinafter called Defendant; and for her cause of action would show unto the Court the following:

I. INTRODUCTION

1. Plaintiff brings this action pursuant to Title VII of the Civil Rights Act, 42U.S.C. §§2000 *et seq.* and other laws seeking damages for conduct committed by Defendant acting through its employees and agents.

II. PARTIES AND SERVICE

2. Plaintiff, Elizabeth Payne brings this action individually. Plaintiff resides in Tarrant County, Texas.

3. Defendant Friendship West Baptist Church, Inc. is a Texas nonprofit corporation having its primary place of business and doing business in the State of Texas at 2020 W. Wheatland Road, Dallas, Texas 75232-4517. Defendant may be served through its registered agent for service; to wit: Ricky Hill, 2020 W. Wheatland Road, Dallas, Texas 75232-4517.

III. JURISDICTION AND VENUE

4. This court has jurisdiction over this cause pursuant to 28 U.S.C. § 1331, because Plaintiff seeks recovery pursuant to a federal statute, to wit, Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000e *et seq.* for discrimination against the Plaintiff by Defendant during her employment.

5. The Defendant's conduct complained of by Plaintiff occurred in or near Dallas, Texas, which is within Dallas County, Texas, which is within the Northern District of the State of Texas. Thus, venue is proper in this district under 42 U.S.C. §2000e-5(f)(3) because the alleged unlawful employment practice was committed in this district. Venue is proper in this district under 42 U.S.C. §2000e-5(f)(3) because defendant has its principal office in this district.

IV. EXHAUSTION OF ADMINISTRATIVE PROCEDURES

6. Plaintiff timely filed a charge of discrimination against defendant with the Equal Employment Opportunity Commission (EEOC). Plaintiff files this complaint within 90 days of receiving a notice of the right to sue from the EEOC.

V. FIRST COUNT

7. Plaintiff incorporates by reference Paragraphs 1 through 6 and makes such paragraphs apart of this Plaintiff's first count against Defendants. Plaintiff also incorporates by reference all exhibits attached hereto.

8. On or about January 1, 2008, Plaintiff began working full time for Defendant. At all times alleged herein, Plaintiff was an employee of Defendant and acted primarily as an administrative assistant.

9. During the term of her employment, Plaintiff was subjected to discriminatory treatment on the basis of her race, national origin and/or gender.

10. On August 1, 2008, Defendant terminated Plaintiff's employment. At the time of termination, Plaintiff was given no reason for the termination. Plaintiff requested that the Human Resources Director provide a reason for termination, however she told Plaintiff that she was not allowed to discuss the basis for termination with the Plaintiff.

11. At the time of termination, Plaintiff was the only White, Hispanic, female working at Friendship West and there was only one other White Hispanic, who worked in a janitorial capacity. No other Whites or Hispanics were employed by Friendship West. After her termination, Plaintiff's position was filled by an African-American female.

12. Shortly before her termination, Defendant discovered emails and other information suggesting that Plaintiff was involved in an interracial relationship with an African-American male. Co-workers and supervisors expressed to Plaintiff the opinion that African-Americans should not be involved in relationships with those who were not African-Americans and disapproved of her relationship with the African-American male.

13. Title VII prohibits discrimination in employment premised on an interracial relationship.

14. Furthermore, during the time of her employment, Plaintiff observed other employees who were African-Americans, male and female, who had similar relationships with other African-Americans who were not terminated for their involvement in such "same-race" relationships. However, shortly after Plaintiff was thought to be in a relationship with an African-American male, her employment was terminated.

15. During her employment, Plaintiff consistently received positive and favorable job performance reviews. Plaintiff was qualified for and satisfactorily performed her job.

16. In addition, Plaintiff represented Defendant's Pastor Haynes in communications with the media, during a troubled time in the church's history, and received praise for how she handled those matters.

17. Prior to her termination, Plaintiff was given no warning that her employment would be discontinued. Based on past experience, Plaintiff knew that employees were routinely given warnings and allowed to improve their performance prior to being terminated.

18. Following termination, Plaintiff was given no further benefits or COBRA notice to allow her to extend health insurance for herself or her children.

19. Such actions, individually and collectively, constituted a wrongful discharge of Plaintiff from her employment which is actionable under the laws of the United States of America and the State of Texas.

VI. DAMAGES

20. As a direct and proximate result of defendant's conduct, plaintiff suffered the following injuries and damages.

21. Plaintiff was discharged from employment with Defendant. Although Plaintiff has diligently sought other employment, she has been unable to find a job at comparable pay. In addition, plaintiff has incurred expenses in seeking other employment and has had to pay for medical treatment that otherwise would have been covered by the health benefits plan offered by Defendant.

22. Plaintiff seeks an award of exemplary damages where the actions of Defendant were willful, malicious and intentional; and manifest a wanton disregard and reckless indifference to Plaintiff's federally protected rights. The imposition of punitive damages will serve as an example and deterrent to defendants and others who would commit similar illegal

acts. Further the actions of Defendant are part and parcel of Defendant's usual and customary pattern of discriminatory treatment of those of other races, such as the Plaintiff.

23. Plaintiff suffered mental anguish and emotional distress.

VII. ATTORNEY FEES

24. Plaintiff is entitled to an award of attorney fees and costs under Title VII, 42 U.S.C. §2000e-5(k).

VIII. JURY DEMAND

25. Pursuant to FED.R.CIV .P .38, Plaintiff demands trial by jury on all issues.

IX. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Elizabeth Payne, respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant, as follows:

- a. That Plaintiff recover judgment from Defendant for Plaintiff's damages described above;
- b. That Plaintiff recover pre-judgment and post-judgment interest on past and future damages as allowed by law;
- c. That Plaintiff recover all costs of court; and
- d. That Plaintiff recover all such other and further relief, at law or in equity, to which Plaintiff may show herself justly entitled.

Respectfully submitted,

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Daniel George Altman
Texas Bar No. 00793255
Attorney for Plaintiff
Elizabeth Payne

PLAINTIFF DEMANDS TRIAL BY JURY

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Elizabeth Payne

(b) County of Residence of First Listed Plaintiff Tarrant
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Shrull Altman LLP, 1701 River Run, #1116, FW, TX 76107
17-336-3925

DEFENDANTS

Friendship West Baptist Church, Inc.

County of Residence of First Listed Defendant Dallas
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

Attorneys (If Known)

RECEIVED
MAR 31 2009
U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 ☒ 1 Incorporated or Principal Place of Business In This State
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|--|--|--|---|--|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes |

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. §§ 2000e et seq

Brief description of cause:

Employment discrimination based on race, gender and national origin

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

03/31/2009

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE